

Commonwealth of Pennsylvania

COUNTY OF Erie

APPLICATION FOR
SEARCH WARRANT
AND AUTHORIZATIONDocket Number MD-11-05
(Issuing Authority):Police Incident
Number: CD2004-153Warrant Control
Number: MD-11-05

Det. Jessica L. Lynn

Erie County Detective Bureau

814-451-6349

3-28-05

AFFIANT NAME

AGENCY

PHONE NUMBER

DATE OF APPLICATION

IDENTIFY ITEMS TO BE SEARCHED FOR AND SEIZED (Be as specific as possible):

Any/all digital records such as images, pictures, photos, computer hardware, storage and accessories to include, but not limited to: computer tower containing hard drive, monitor, mouse, keyboard, connecting wires, scanner, CD's, DVD's, USB drives, floppy disks, zip disks, digital camera, digital camera media, 8 mm tapes, VHS tapes, web camera, digital camera cell phone, any portable media devices.

Any and all documentation or manuals for software, documents with potential passwords, magazines, books, drawings, pictures/photos/polaroids, any written documentation pertaining to or depicting nude children or children posing sexually.

SPECIFIC DESCRIPTION OF PREMISES AND/OR PERSON TO BE SEARCHED (Street and No., Apt. No., Vehicle, Safe Deposit Box, etc.):
330 E. Main Street, Corry, PA 16407. This is a duplex consisting of 328 and 330 East Main St. The building has white, or off white siding with brown trim along the windows, door and porch. The left entrance is 330 East Main St. See attached photo.

NAME OF OWNER, OCCUPANT OR POSSESSOR OF SAID PREMISES TO BE SEARCHED (If proper name is unknown, give alias and/or description):
Occupant: George Eberle and Alesha Eberle AKA Corbett

VIOLATION OF (Describe conduct or specify statute):
6312 Sexual Abuse of Children (b)

DATE(S) OF VIOLATION:
August-Sept. 2002

☐ Warrant Application Approved by District Attorney – DA File No. _____
(If DA approval required per Pa.R.Crim.P. 2002A with assigned File No. per Pa.R.Crim.P. 107)

☐ Additional Pages Attached (Other than Affidavit of Probable Cause)

☒ Probable Cause Affidavit(s) MUST be attached (unless sealed below) Total number of pages: _____

TOTAL NUMBER OF PAGES IS SUM OF ALL APPLICATION, PROBABLE CAUSE AND CONTINUATION PAGES EVEN IF ANY OF THE PAGES ARE SEALED.
The below named Affiant, being duly sworn (or affirmed) before the Issuing Authority according to law, deposes and says that there is probable cause to believe that certain property is evidence of or the fruit of a crime or is contraband or is unlawfully possessed or is otherwise subject to seizure, and is located at the particular premises or in the possession of the particular person as described above.

Det. Jessica L. Lynn
Signature of Affiant

Erie County Detective Bureau

04

Signature of Affiant

Agency or Address if private Affiant

Badge Number

Sworn to and subscribed before me this 28 day of March, 2005. Mag. Dist. No. 06-2-04

Patricia Eberle
Signature of Issuing Authority

Office Address

(SEAL)

SEARCH WARRANT
TO LAW ENFORCEMENT
OFFICER:

WHEREAS, facts have been sworn to or affirmed before me by written affidavit(s) attached hereto from which I have found probable cause, I do authorize you to search the premises or person described, and to seize, secure, inventory and make return according to the Pennsylvania Rules of Criminal Procedure.

☐ This Warrant shall be served as soon as practicable and shall be served only between the hours of 6AM to 10PM but in no event later than: *

☒ This Warrant shall be served as soon as practicable and may be served any time during the day or night but in no event later than: **
10:00 P M, o'clock March 30, 2005

* The issuing authority should specify a date not later than two (2) days after issuance. Pa.R.Crim.P. 2005(d).

** If the issuing authority finds reasonable cause for issuing a nighttime warrant on the basis of additional reasonable cause set forth in the accompanying affidavit(s) and wishes to issue a nighttime warrant, then this block shall be checked. Pa.R.Crim.P. 2006(g).

Issued under my hand this 28 day of March, 2005 at 1:45 P M, o'clock.

Patricia Eberle
Signature of Issuing Authority

Mag. Dist. or Judicial Dist. No.

Date Commission Expires

(SEAL)

Title of Issuing Authority: ☒ District Justice ☐ Common Pleas Judge ☐

☐ For good cause stated in the affidavits(s) the Search Warrant Affidavit(s) are sealed for _____ by my certification and signature. (Pa.R.Crim.P. 2011)

Patricia Eberle
Signature of Issuing Authority (Judge of the Court of Common Pleas or Appellate Court Justice or Judge).

AOPC 410A-11-24-99

DEFENDANT'S
EXHIBIT

CASE
NO. 05-26 E

EXHIBIT
NO. 8

FILED BY THE ISSUING AUTHORITY

Commonwealth of Pennsylvania



APPLICATION FOR
SEARCH WARRANT
CONTINUATION PAGES

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Continuation of:

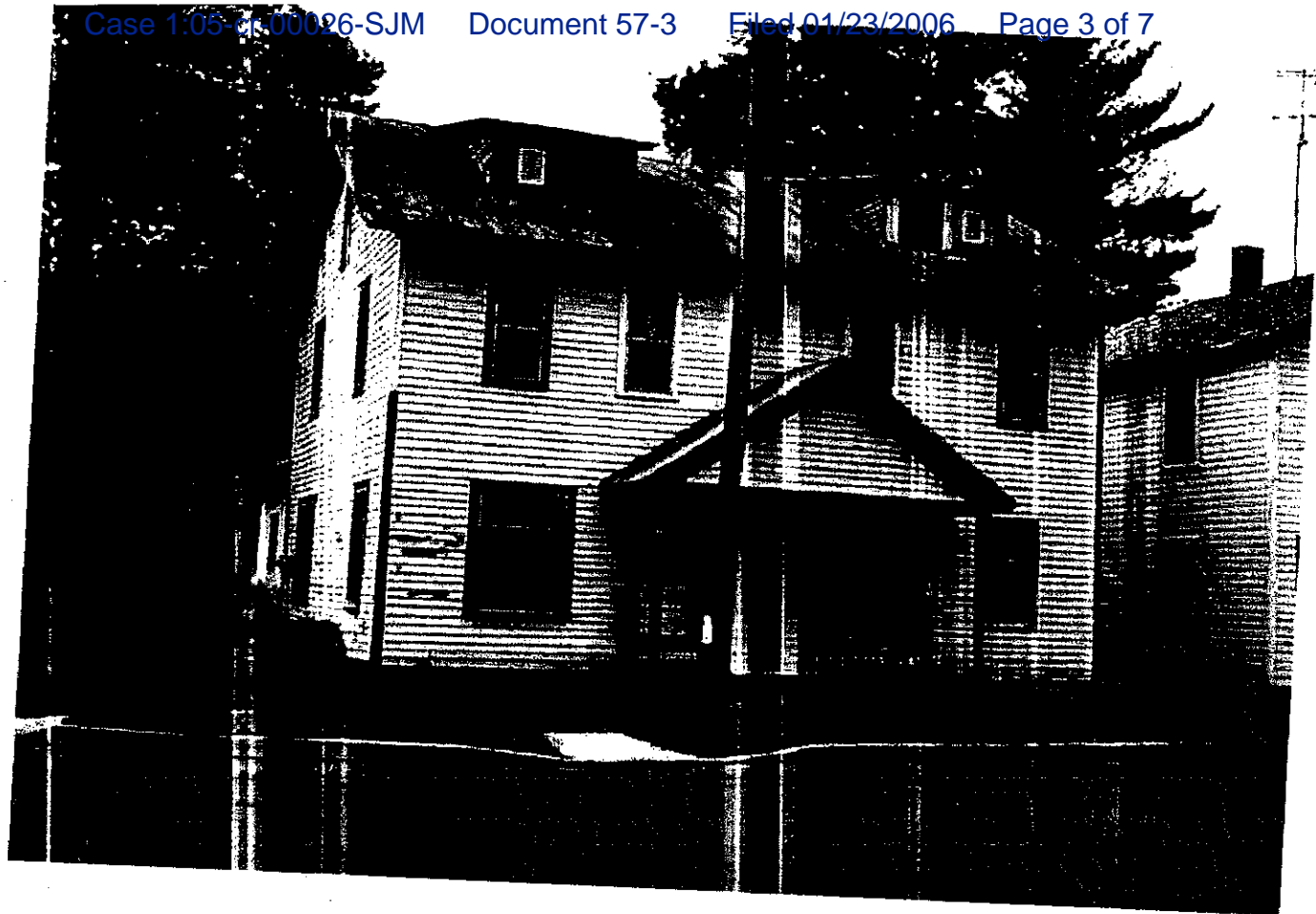
☒ Items to be searched
and seized

☐ Description of premises/person(s)
to be searched

☐ Owner/ Occupant

☐ Violations

Any and all contraband.



Commonwealth of Pennsylvania

AFFIDAVIT OF
PROBABLE CAUSE

COUNTY OF ERIE

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PROBABLE CAUSE BELIEF IS BASED UPON THE FOLLOWING FACTS AND CIRCUMSTANCES:

Your Affiant is a police officer employed as a County Detective in the Erie County District Attorney's Office. Your affiant is charged with the duties of investigating the violation of the Pennsylvania Crimes Code and has received specialized training in the investigation of computer related criminal activity. Your affiant uses computer systems and conduct computer-related investigations. In the past two years, your affiant has participated in several executions of search warrants for computer stored records and evidence. Your affiant avers that conducting a search of a computer system, documenting the search, and making evidentiary and discovery copies is a lengthy process.

It is necessary to determine that no security devices are in place which could cause the destruction of evidence during the search; in some cases it is impossible even to conduct the search without expert technical assistance. Since computer evidence is extremely vulnerable to tampering or to destruction through error, electrical outages, and other causes, removal of the system from the premises will assist in retrieving the records authorized to be seized, while avoiding accidental destruction or deliberate alteration of the records. It would be extremely difficult to secure the system on the premises during the entire period of the search.

Your affiant also avers that whether records are stored on floppy disks or on a hard drive, even when they purportedly have been erased or deleted, may still be retrievable. Your affiant is familiar with the methods of restoring "lost" data commonly employed by computer users, and has used those methods herself.

Your affiant avers that the accompanying software must also be seized, since it would be impossible without examination to determine that it is standard, commercially available software: it is necessary to have the software used to create data files and records in order to read the files and records.

In addition, without examination, it is impossible to determine that the diskette purporting to contain a standard commercially available software program has not been used to store records instead. Your affiant avers that the system documentation, instruction manuals, and software manuals are also necessary to properly operate that specific system in order to accurately obtain and copy the records authorized to be seized.

The Corry Police Department received a phone call on March 23, 2005 from Sandra Smith stating that her minor daughter, T.S. 11/6/89, was sexually assaulted by George Eberle and Alesha Eberle AKA Alesha Corbett when T.S. 11/6/89, was 12 years-old. During a forensic interview at the Children's Advocacy Center on March 24, 2005, T.S. 11/6/89, stated that she was sexually assaulted by George Eberle and Alesha Eberle AKA Corbett during a one week stay in August/September 2002 at the Airport Apartments in Corry, Pennsylvania. Alesha Eberle AKA Corbett is T.S. 11/6/89 half sister.

T.S. 11/6/89 stated that one day during her week long stay, George Eberle and Alesha Eberle AKA Corbett showed T.S. 11/6/89, a VHS tape labeled "Titanic". The VHS tape labeled "Titanic" actually showed George Eberle and Alesha Eberle AKA Corbett engaging in sexual intercourse.

I, THE AFFIANT, BEING DULY SWORN ACCORDING TO LAW, DEPOSE AND SAY THAT THE FACTS SET FORTH IN THE AFFIDAVIT ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF.

Det. Sandra J. Lynn
Affiant Signature

3-28-05
Date

Patricia M. [Signature]
Issuing Authority Signature

3/28/05 (SEAL)
Date

Commonwealth of Pennsylvania

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During the sexual assault of T.S. 11/6/89, T.S. 11/6/89 stated that George Eberle and Alesha Eberle AKA Corbett took an unknown amount of pictures of her via a web camera while in George Eberle and Alesha Eberle AKA Corbett's bedroom. T.S. 11/6/89 stated that the pictures were of her in her training bra and underwear, only in her underwear and completely naked. George Eberle and Alesha Eberle AKA Corbett saved the photos on to their computer and then showed the unknown amount of photos taken of 12 year-old to T.S. 11/6/89.

T.S. 11/6/89 also stated that George Eberle held her down and engaged in sexual intercourse with the 12 year old victim, while Alesha Eberle AKA Corbett video taped the assault. T.S. 11/6/89 stated that while George Eberle raped her on his bed, Alesha Eberle AKA Corbett videotaped the assault via a VHS video camera that Alesha obtained from the living room closet.

T.S. 11/6/89 stated that she had not had contact with her half sister, Alesha Eberle AKA Corbett until March 20, 2005 when Alesha Eberle AKA Corbett contacted T.S. 11/6/89 in a Yahoo! chat room. A phone call occurred between Alesha Eberle AKA Corbett and T.S. 11/6/89 on March 20, 2005. During the phone conversation, T.S. 11/6/89 stated that Alesha Eberle AKA Corbett told T.S. 11/6/89 that the VHS tape from three years ago was broken and that Alesha Eberle AKA Corbett and George Eberle wanted to make another tape with T.S. 11/6/89. George Eberle and Alesha Eberle AKA Corbett currently reside at 330 E. Main St., Corry, Pennsylvania.

This officer has an open investigation into an allegation of a Yahoo! user possessing suspected child pornography. On 08/16/2004, Lt. David C. Peifer of the Pennsylvania Internet Crimes against Children Task Force in Delaware County, Pennsylvania, accessed the National Center for Missing and Exploited Children's CyberTip Line after being notified by them concerning a subject that appears to be from Pennsylvania uploading Child Pornography over the Internet. The Internet Crimes against Children Task Force is funded by a grant through the Office of Juvenile Justice and Delinquency Prevention and is composed of prosecutors, investigators, computer forensic examiners. The objective of the ICAC Task Force is to investigate ICAC offenses, conduct proactive and reactive ICAC investigations and the apprehension of ICAC offenses. The National Center for Missing and Exploited Children (NCMEC) is a national clearinghouse that gathers information about missing and sexually exploited children for law enforcement use. NCMEC forwards all information unedited to law enforcement agencies for investigation and disposition pursuant to its congressional mandate to operate as a clearinghouse.

The Yahoo Legal Department reported that a person utilizing the e-mail address of "glepa2001@yahoo.com" uploaded images of what appears to be one unknown young female, who is believed to be under the age of 18-years-old, exposing her genitals while in a sexual act or pose. The young female in the images has a ring on her left ring finger and a ring on her right thumb. The unknown female is also wearing a necklace with a pendant. These images were uploaded to a Yahoo site titled "http://photos.yahoo.com/glepa2001".

I, THE AFFIANT, BEING DULY SWORN ACCORDING TO LAW, DEPOSE AND SAY THAT THE FACTS SET FORTH IN THE AFFIDAVIT ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF.

Det. [Signature]
Affiant Signature

3-28-05
Date

[Signature]
Issuing Authority Signature

3/28/05 (SEAL)
Date

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Http://www.yahoo.com is an all purpose internet based community that provides users with free email, surfing access, chat rooms, instant messaging, shopping and it can also be used as a search engine. Yahoo! Inc. groups are internet based chat rooms where there is a host and people can chat, post and send messages and images. This incident was reported by Yahoo Inc. on 08/09/2004 at 16:00 hours PDT. This case was reported as a National Center for Missing and Exploited Children Cybertip # 263483. Yahoo Inc. also reported the IP address 4.18.7.164 was the registration IP address when the suspect created his Yahoo Account. An IP, or Internet Protocol, address is a numerical identifier, a series of four digit groups separated by periods that can be read directly by computer systems, to locate a particular system address on the Internet. A search on <http://www.arin.net/whois> for the Internet Service Provider or ISP of the Internet Protocol address 4.18.7.164 resulted in the ISP being The Byte Shop on 436 North Center Street, Corry, PA 16407. ARIN's WHOIS service provides a mechanism for finding contact and registration information for resources registered with ARIN. ARIN's database contains IP addresses, autonomous system (AS) numbers, organizations or customers that are associated with these resources, and related Points of Contact (POCs).

NCMEC forwarded the alleged photos containing suspected child pornography to Lt. Peifer in the Delaware County, PA Internet Crimes Against Children Unit. The photos appear to have been taken from a web camera and then uploaded to <http://photos.yahoo.com/glepa2001>. Lt. Peifer served a Court Order to Yahoo Inc. for the Yahoo subscriber and Internet connection access log information pertaining to "glepa2001". On 08/24/2004, Lt. Peifer received a response from Yahoo Inc. in reference to the Yahoo e-mail address "glepa2001@yahoo".

The Yahoo management tool indicated the account is in the name of Mr. George E of 404 S. Center Street, Corry, PA. 16407 with a phone number of 814-663-5655 described as a male with a date of birth of 10/05/1978. This information is supplied by the member/subscriber during the registration process. Lt. Peifer referred this incident to the Erie County Internet Crimes against Children Task Force.

On 09/01/2004, this officer contacted Corry Police Department to obtain information on the residence of 404 S. Center St., Corry, PA and to identify "glepa2001". Officer Goode stated that the house at 404 S. Center St. caught on fire in January of 2004 and is currently vacant. Officer Goode did state that a George Eberle did reside at that residence at one time.

This officer conducted a search on JNET; an internet based Criminal Justice only site that allows access to PennDot records, Criminal History and Inmate information, for a George Eberle in Corry, PA. The search resulted in a positive find for a PA State Identification Card issued to a George L. Eberle, date of birth 10/05/1978. This date of birth is an exact match to the date of birth given for the user of screen name "glepa2001".

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[Signature]
Affiant Signature

3-28-05
Date

[Signature]
Issuing Authority Signature

3/28/05 (SEAL)
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This officer, along with Det. Joseph Spusta of the Erie County Detective Bureau, spoke with T.S. 11/6/89 after the forensic interview ended. This officer asked T.S. 11/6/89 if she wore any jewelry when she was 12 years old. T.S. 11/6/89 stated that she always wore a silver ring on her left ring finger and a necklace. This officer showed the 13 images that were found by Yahoo! in the email account of "glepa2001", George Eberle. T.S. 11/6/89 began crying and stated that images were of her when she was 12 years old. The images were the same images that George Eberle and Alesha Eberle AKA Corbett took of T.S. 11/6/89 in August/September 2002.

Based on this officers past experience and training, this affiant believes that graphic image files containing child pornography can be maintained for long periods of time in a number of ways: on a computer's built in hard disk drive, on portable storage disks, on CD ROMs or on other computer media. Most often the collector maintains the files purposefully. Even when the pornographic files have been deleted (due to fear of discovery), computer forensic experts are nonetheless often able to recover the deleted pornographic images that had been purposefully possessed. Based on her past experience and training, this affiant believes that persons who use personal computers in their homes tend to retain their personal files and data for extended periods of time even if a person has replaced, traded in or "upgraded" to a new personal computer. This affiant believes personal computer users routinely transfer most of their data onto their new computers when making an upgrade. This data transfer is often done by saving files from the old computer to media sources (CDs or floppy disks, Zip drives, USB port device), then opening them onto the new computer and saving them to the new hard drive.

Those who have demonstrated an interest or preference in sexual activity with children or in sexually explicit visual images depicting children are likely to keep secreted, but readily at hand, sexually explicit visual images depicting children. In some instances, these depictions are actual photographs or images of the suspect's own sexual activity with past or present children. In some instances, the suspect keeps these depictions as a means of plying the sexual interest of new child victims or otherwise lowering the inhibitions of other potential child sexual partners by showing them that other children participate in this kind of activity. Still, in other instances the depictions are a means of arousing the suspect. These depictions tend to be extremely important to such individuals and are likely to remain in the possession of or under the control of such an individual for extensive periods of time. A person who has this type of material is not likely to destroy the collection. These sexually explicit visual images depicting children can be in the form of but not limited to, negatives, slides, books, magazines, videotapes, photographs, digital photographs or other similar visual reproduction, or depiction by computer.

This affiant believes that the images of child pornography were saved by George Eberle and Alesha Eberle AKA Corbett for their viewing pleasures. This officer avers that given the above information, a search warrant should be issued for the residence of George Eberle and Alesha Eberle AKA Corbett, for violating the Pennsylvania Crimes Code 6312 (b) Sexual Abuse of Children Manufacturing Child Pornography.

I, THE AFFIANT, BEING DULY SWORN ACCORDING TO LAW, DEPOSE AND SAY THAT THE FACTS SET FORTH IN THE AFFIDAVIT ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF

Affiant Signature

Date

Issuing Authority Signature

Date

(SEAL)

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